

§ 80.1603. Additionally, if any requirement is not met, EPA may notify the importer of the violation and, if the requirement is not fulfilled within 10 days of notification, the truck importer may not in the future use the sampling and testing provisions in this section in lieu of the provisions in § 80.1630.

**§ 80.1642 Sampling and testing requirements for producers and importers of denatured fuel ethanol and other oxygenates for use by oxygenate blenders.**

Beginning January 1, 2017, producers and importers of denatured fuel ethanol (DFE) and other oxygenates for use by oxygenate blenders must satisfy the sampling and testing requirements in this section prior to the addition of the oxygenate to gasoline or blendstocks for oxygenate blending.

(a) *Sampling requirements.* Producers and importers of oxygenates for use by oxygenate blenders shall collect a representative sample from each batch of oxygenate produced or imported prior to the oxygenate leaving the oxygenate production or import facility, using the sampling methods specified in § 80.8 or § 80.47.

(b) *Determination of oxygenate sulfur content.* Producers and importers of oxygenates must test each batch of oxygenate they produce or import to determine its sulfur content to the nearest ppm using a test method provided in § 80.47, or, with respect to DFE may use the alternative means of determining the sulfur content contained in paragraph (c) of this section.

(c) *Alternative means of determining the sulfur content of DFE.* As an alternative to testing each batch of DFE pursuant to the requirements of paragraph (b) of this section, the sulfur content of batches of DFE produced using certified denaturant meeting the requirements of § 80.1611 may be determined as follows:

(1) The sulfur content of the batch of DFE shall be calculated by volume weighting the sulfur contribution from the denaturant, and the neat ethanol used.

(2) The sulfur content of the neat (un-denatured) ethanol used in the calculation in paragraph (c)(1) of this section may be assumed to be negligible

or assumed to be some specific value for the purposes of calculating the sulfur content of the DFE batch provided that the DFE manufacturer or importer conducts production quality control which demonstrates that such an assumption is valid. Otherwise, the sulfur content of the neat ethanol must be determined in accordance with the test requirements of § 80.1630.

(3) The sulfur content of the certified denaturant(s) used in the calculation in paragraph (c)(1) of this section must be consistent with the PTD(s) obtained from a registered certified ethanol denaturant producer(s) or importer(s) in accordance with the requirements of § 80.1611. If the PTD from the certified ethanol denaturant states that the sulfur content is 330 ppm, then the sulfur content of the sulfur content of the ethanol denaturant must be assumed to be 330 ppm.

(4) A sample of each batch of DFE must be retained pursuant to the requirements of § 80.1643.

(5) The sulfur content of each batch of DFE shall be reported to the nearest ppm.

**§ 80.1643 Sample retention requirements for oxygenate producers and importers.**

(a) *Sample retention requirements.* Beginning January 1, 2017, any producer or importer of oxygenate shall do all the following:

(1) Retain a representative portion of each sample analyzed under § 80.1642(b), of at least 330 milliliters in volume.

(2) Retain a representative sample of each batch of DFE for which the DEF producer or importer used the alternative means of determining the sulfur contents of the DFE batch pursuant to the requirements of § 80.1642(c), of at least 330 milliliters in volume.

(3) Retain sample portions for the most recent 20 samples collected, or for each sample collected during the most recent 21 day period, whichever is greater, not to exceed 90 days for any given sample.

(4) Comply with the DFE sample handling and storage procedures under § 80.1642 for each sample portion retained.

(5) Comply with any request by EPA to—